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Act for the Better  
Regulation of  
Chapel Hill

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THE ACT

OF THE

GENERAL ASSEMBLY

FOR THE

Better Regulation of Chapel Hill,

RATIFIED 29th OF JANUARY 1851;

AND

THE ORDINANCES OF THE COMMISSIONERS,

REVISED AND ADOPTED

19th March 1859.

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CHAPEL HILL:

PUBLISHED BY JAMES M. HENDERSON.

1859.



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LAWS AND ORDINANCES  
OF  
THE VILLAGE OF CHAPEL HILL.

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THE ACT

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GENERAL ASSEMBLY

FOR THE

Better Regulation of Chapel Hill,

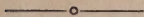
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# INCORPORATION.

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## AN ACT FOR THE BETTER REGULATION OF CHAPEL HILL.

Section 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That A. Mickle, C. Scott, Foster Utley, John H. Watson, John Ward, and their successors in office, shall be a body politic and corporate, by the name of "The Commissioners of Chapel Hill;" and as such, shall have all the powers and privileges necessary for the proper government of said village.

SEC. 2. *Be it further enacted,* That on the first Thursday in February, in every year, the citizens of Chapel Hill shall elect five persons Commissioners thereof, who shall remain in office one year, and until the election of their successors.

Sec. 3. *Be it further enacted,* That no person shall be eligible as a Commissioner unless he be a resident and the owner of an acre lot, or freehold estate of the value of five hundred dollars in said village; nor shall any person vote in said election but free white males at the age of twenty-one years, subject to taxation, and resident therein six months immediately preceeding the day of election.

Sec. 4. *Be it further enacted,* That any Justice of the Peace or any two citizens of the village elligible to the office of Commissioner, (in case there be no resident Justice of the Peace,) may hold the election and determine who are elected.

Sec. 5. *Be it further enacted,* That the Commissioners, as soon as may be after the election, shall choose a resident of the village

(not of their own body,) a Magistrate of Police to preside at their meetings, and give a casting vote in case of a tie; a Town Treasurer, Constable and Clerk. They shall ascertain and settle the boundaries of Chapel Hill, and cause a plot thereof to be recorded in the journal of their proceedings; and may, on or before the first day of April in each year, assess the value of town property (Students of the University, and property owned by the Trustees thereof, excepted,) as they may deem proper, and apply the revenue arising therefrom to the construction, improvement and repair of the streets, and to such other purposes as they may deem conducive to the prosperity of the village.

Sec. 6. *Be it further enacted*, That the Town Constable, when directed by the Commissioners, shall proceed to collect the taxes; and in the execution of his duty, shall have all the authority, and may use all the means, exercised and used by the Sheriffs of this State in the collection of public taxes.

Sec. 7. *Be it further enacted*, That all residents of the village, and persons owning property therein, shall, on or before the first day of April, annually, make a written statement of all taxable polls and property for which they may be accountable, and deliver the same to the Magistrate of Police. Any person failing to make such statement, shall be subject to a double tax; and it shall be the duty of the Town Constable, on the requisition of the Commissioners, to proceed to collect the same, on all such unreturned persons and property.

Sec. 8. *Be it further enacted*, That the Commissioners shall appoint a Patrol, to consist of all white males, residents of said village, between the ages of twenty-one and fifty years, (members of the Faculty and Students of the University excepted,) and shall divide into as many companies as they may deem proper, and direct the time for the performance of duty by each company. Any person who shall fail to perform such duty, (except for good cause, to be judged of by the Commissioners,) shall forfeit the sum of one dollar for each failure; and it shall be the duty of the Town Constable to collect and pay over the same to the Town Treasurer.

Sec. 9. *Be it further enacted*, That it shall be the duty of the Commissioners to adopt proper ordinances, and use all other lawful measures for the suppression of nuisances, the proper regulation of shop-keepers, and the exclusion of itinerant venders of spirituous liquors, and all other articles, the sale of which is not licensed by the laws of this State.

Sec. 10. *Be it further enacted*, That all enactments, coming within the perview of this act, are hereby repealed; and this act shall be in force from and after its passage.





## ORDINANCES.

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BE IT ORDAINED by the Commissioners of Chapel Hill, and it is hereby ordained by the authority of the same:

I. That the boundaries of the village are, and shall be as follows, to wit: Franklin street shall begin at the point of intersection with a road to Purerfoy's Mill, in the lands of John Craig, and extend North  $63^{\circ} 40'$ ; East, two thousand six hundred and twenty-two yards, to the point where it intersects the line of the land owned by the Trustees of the University. Raleigh Street shall extend to a point in a line parallel with Franklin Street, which shall include the Grave Yard—and Hillsborough Street to a point in a line parallel with Franklin Street, which shall be equidistant from said Street, with the terminus of Raleigh Street. The exterior boundary shall be a rectangle, formed by lines passing through these four points, including by computation, an area of eight hundred and thirty-nine acres and one sixth of an acre.

II. The Town Constable shall, as early as practicable, after the first day of April in each year,

collect and pay over to the Treasurer, all monies due for taxes.

III. The Treasurer shall pay no account against the Commissioners, until it shall have been allowed by the Board, and certified by the Clerk.

IV. No contract made by a Committee, involving an expenditure of more than twenty-five dollars, shall be valid, until it shall have been ratified and approved by the Board.

V. No person shall receive compensation for alleged services rendered the Commissioners, unless under a contract previously made with the Board.

VI. No Instructor shall be permitted to occupy the Village School House, until he shall have given bond with sufficient sureties, payable to the Commissioners, and delivered to the Treasurer, to pay rent at the rate of twenty-five dollars per annum, and at the end of the term to return the building in as good order as it was when he received it.

VII. The carcasses of hogs, or other animals, dying in the streets or lots, must be removed by the owner, immediately upon notice being given, under a penalty of one dollar for each omission to do so.

VIII. No person, unless while engaged in erecting a house, shall place timber, brick, stone, firewood, or rubbish of any kind, in any street, and suffer the same to remain longer than a day, under a penalty of one dollar for each day the nuisance may continue after notice to remove the same.



IX. No person, shall unnecessarily load or unload goods, wares or other articles, in or from a wagon or cart, on the Sabbath day, under a penalty of five dollars.

X. No itinerant vender of spirituous liquors, or other prohibited articles, shall offer the same for sale, in any quantity, within the limits of the Village, under a penalty of five dollars in each instance of selling or offering to sell.

XI. Every organist or travelling musician, or foreign beggar, who shall play for reward, or solicit charity in the streets or from door to door, shall incur a penalty of one dollar for each offence, unless the Magistrate of Police shall remit the same to blind persons, and others unable to earn a livelihood by manual labor.

XII. No person shall erect a kiln to dry plank, or other lumber, within two hundred feet of any dwelling house, or within forty feet of any shop or out-house. Such kiln, if erected, shall be deemed a nuisance, and be subject to abatement and a penalty of twenty-five dollars. No black-smith shop shall be erected, hereafter, (unless with brick walls and metal roof,) within two hundred feet of any dwelling house or within fifty feet of any shop or outhouse. Such shop, if erected, shall be deemed a nuisance, and be subject to abatement and a fine of twenty-five dollars.

XIII. No person shall permit slaves, or persons of color, to meet and dance in any kitchen or oth-

er house, without license first obtained from the Magistrate of Police or two Commissioners, under the penalty of five dollars for each offence.

XIV. No person shall hitch a horse or mule to a shade tree or on the side walks, or wontonly ride or drive with dangerous rapidity through the streets, under a penalty of five dollars for each offence.

XV. It shall be the duty of the Magistrate of Police and the Town Constable to adopt the proper measures to ascertain the true condition of all persons of color residing in the Village and claiming to be free.

XVI. No person, shall open any Restaurant, Refectory, or like establishment upon the Sabbath day. Any person violating this ordinance, shall incur a penalty of five dollars for each offence.

XVII. All oats, hay, fodder and other provender sold in the Village, shall be weighed at the public scales, by the Weigh Master, who shall give a certificate of the weight of the load, and also of the weight of the vehicle when unloaded ; and if any person shall sell or buy any unweighed provender, he or she shall incur a penalty of five dollars.

XVIII. The Weigh Master shall record the name of the person, the weight of the load, and the amount charged for weighing the same, and shall be entitled to receive for each load weighing less than five hundred pounds, ten cents ; more than five

hundred and less than one thousand pounds, fifteen cents; and more than one thousand pounds, twenty cents. Those who sell Hay, Oats and other Provender, shall pay the Weigh Master's fee therefor.

XIX. *July 10th, 1857.*—No hand-cart, wheelbarrow, wagon, nor any other vehicle shall be allowed to pass upon the side walk, and no person shall ride on horse back on any of the side walks in the village of Chapel Hill, under a penalty of fifty cents for rolling a wagon, cart or wheelbarrow, and one dollar for each offence of riding on the sidewalks of said village.

XX. *April 21st, 1858.*—No person or persons shall cut down, dig up, or otherwise destroy or injure any shade tree upon the sidewalk of any street in the Village of Chapel Hill, under a penalty of twenty-five dollars.

XXI.—It shall not be lawful for negroes from the country to collect in or loiter about the streets of Chapel Hill upon Tax gathering or Election days, after four o'clock, P. M., and any negro or negroes offending against this Ordinance, may be whipped at the discretion of the Town Constable.

XXII. *Sept. 12th 1858.*—It shall not be lawful for any person or persons to fill up or cause to be filled up, or in any way render any ditch, drain or passage for water, useless for the purpose for which it was intended, under a penalty of ten dollars.

XXIII. It shall be the special duty of the Town Constable to observe, and report at every meeting



of the Commissioners, all violations of these ordinances. He shall, moreover, be careful to arrest all persons, (Students of the University excepted,) who may be drunken and disorderly and all itinerant venders of spirituous liquors, who may be found in the public streets, or within the limits of the village, by night or by day, and for these services he shall receive twenty per cent of all fines that may be collected under these laws.

# CORPORATION, 1859.

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MAGISTRATE OF POLICE,

JAMES B. McDADE, ESQ.

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COMMISSIONERS.

ANDREW MICKLE,  
CALVIN SCOTT,  
JOHN WARD,  
JOHN H. WATSON,  
FOSTER UTLEY.

ANDREW MICKLE, TOWN TREASURER.  
WAYNE H. McDADE, TOWN CONSTABLE.  
JOHN M. BLACKWOOD, TOWN CLERK.









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